

### **III. REMARKS**

By the above amendment, Applicant has corrected the deficiency in the disclosure and rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

Additionally, new drawings are included to bring the drawings in compliance with 37 CFR 1.121(d).

#### **Rejection of all Claims Pursuant to 35 USC §112 Overcome**

Applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome rejection of all claims under §112. Further, Applicant has removed the wording “substantially cylindrical cross-section” that Examiner objected to, and replaced the same with Examiner’s suggested “substantially circular” phrasing.

With these newly written claims, Applicant stresses the unique combination of a J-Shaped body with a substantially circular tubular body horizontally and fixedly attached to said J-Shaped body.

Further, a significant attribute of the invention stressed in the re-written claims is the circumference of said substantially circular tubular body being such so as to allow said tubular body to be inserted into an awning rail, and move freely once inside said awning rail. The “substantially circular” nature of the horizontally affixed tubular body is significant, as it allows said apparatus to be freely movable inside the awning rail once inserted there into.

### **Rejection of Claims 1-4 Pursuant to 35 USC §102(b) Overcome**

The present Office Action rejected claims 1 through 4 of the present application on United States Patent No. 5,560,574 to Vanderploeg. Claims 1-4 have been rewritten as claims 5-9 to define patentability over Vanderploeg. Applicant requests reconsideration of these rejections as now applicable to claims 5-9 due to the fact that Vanderploeg does not teach an application capable of being accomplished by the present invention, and the novel physical features of claims 5-9 create new and superior results and hence are unobvious and patentable over the Vanderploeg reference.

### **Vanderploeg and Differences of the Present Invention Thereover**

While Vanderploeg discloses “[a] hook made of resilient material” (see Abstract, line 1), it further discloses that said “hook” is “shown made of a single piece 5 of resilient wire material formed into a shape comprising a hook member 7, and two arms 9 and 11.” Vanderploeg, col. 3, 3-7. Further, the apparatus in Vanderploeg is held in place by applying a force to the hook by pushing upward on it, “thereby deforming the arms” and bending them upwards. Vanderploeg, col. 3, 43-50. The Vanderploeg apparatus is intended to be fixedly inserted into place, and not allowed to freely slide or be easily moved once inserted. (See Abstract, lines 5-7) Because the arms of the Vanderploeg hook must be deformed and bent when inserting the hook into place, the Vanderploeg hook is not conducive to sliding into the end of an awning roller rail, or to freely moving within the awning roller rail once inserted there into. Further, the “wire” nature of the arms and hook of the Vanderploeg apparatus would allow that apparatus to pass through the channel in an awning roller rail, and not remain inserted in the awning roller rail, if

someone were to attempt to use the Vanderploeg apparatus for the use anticipated by the apparatus in the present Application. To this end, the Vanderploeg patent recognizes that that apparatus has limited application, and is designed for use on brick walls and “walls other than brick walls provided they have grooved surfaces similar to that of a brick wall.” Vanderploeg, col. 4, 15-17.

Applicant submits that the novel physical features of claim 5 is also non-obvious and hence patentable under §103, since it produces new and superior results over Vanderploeg. These new and superior results are the ability of applicants hook to be easily inserted into the end of an awning rail, and be freely movable once inserted therein. The novel features of Applicant’s hook which effect these differences are, as stated, clearly recited in claim 5.

#### **The Dependent Claims are a Fortiori Patentable over Vanderploeg**

New dependent claims 6-9 incorporate all the subject matter of claim 5 and add additional subject matter which makes them a fortiori and independently patentable over these references.

Claim 6 recites:

said body of substantially circular cross-section has a circumference suitable for insertion into an awning roller rail, or other suitable apparatuses, without passing through said awning roller rail.

This attribute of the present Application is entirely foreign to Vanderploeg which, as stated, has two arms that extend from either side of the “hook” and are “deformed” or bent in order to be inserted in place. The substantially circular cross-section of the

present invention ensures that the hook of the present invention will not pass through the channel in an awning roller rail, the arms of the Vanderploeg “hook” would be capable of passing through the channel in an awning roller rail.

Claim 7 provides that the width of the J-shaped body is substantially equivalent to the length of the substantially circular cross-section. This is a unique feature of the present invention, and is distinguishable from Vanderploeg in that, in order for the Vanderploeg hook to be held in place, the arms of the Vanderploeg hook necessarily must extend beyond the width of the “hook.” The present invention allows several hooks to be inserted into an awning roller rail in close proximity to one another and positioned at varying intervals along the awning roller rail. The Vanderploeg apparatus is limited in this ability due in part to the nature in which the Vanderploeg apparatus would necessarily have to be manipulated to be inserted into an awning roller rail, and its substantially fixed nature once so inserted.

Claims 8 and 9 further narrow claim 5 by providing the type of material that the hook of the present invention may be made of.

#### **Discussion of References Not Relied Upon by Examiner**

Examiner has made record of several prior art references that were not relied upon in making rejections, but are considered pertinent to Applicant’s disclosure. These references are: United State Patent No. 6,109,579 to Huang; United State Patent No. 5,531,416 to Remmers; United State Patent No. 4,118,000 to Campbell; United State Patent No. 4,282,630 to Toder; United State Patent No. 4,226,394 to Einhorn, and; United State Patent No. 2,611,492 to Watts.

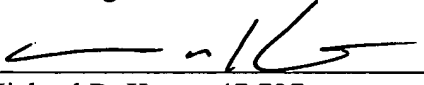
Applicant and counsel have reviewed these references. None of these cited but not relied upon references disclose or render Applicant's invention obvious. While all of these references disclose "hooks" of varying types, none disclose an apparatus suitable for insertion into an awning roller rail, that would not pass through the channel thereon, and that can be freely movable once inserted therein.

### **Conclusion**

For all the reasons stated herein, your Applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, Applicant submits that this Application is now in condition for allowance, which action Applicant respectfully solicits.

### **Conditional Request for Constructive Assistance**

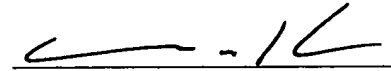
Applicant has amended the Specification and Claims of this Application so that they are proper, definite, and define a novel structure which is also unobvious. If, for any reason, this Application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the Applicant can place this Application in allowable condition as soon as possible and without the need for further proceedings.

  
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November 21, 2005

  
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